



2025:DHC:3186-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5606/2025, CM APPL. 25571/2025 & CM APPL.
25572/2025

SUNITA KUMARI JATPetitioner

Through: Mr. Shakti Narayanan, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Balendu Shekhar CGSC
Mr. Chetan Jason G. P. Mr Rajkumar
Maurya Advocate Mr. Krishna Chaitanya
Advocate

Mr. Prashanto C. Sen, Sr. Adv with Mr.
Shaiwal Srivastava, Advocate for CWC
Mr Deepak Somani, Ms. Chanchal Gupta,
Advocate for the applicant

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT(ORAL)

% **30.04.2025**

C. HARI SHANKAR, J.

1. The petitioner is a Constable (General Duty) in the Sashastra Seema Bal. She is posted at Ftr Hqr Lucknow. Sgt. Surendra Pal Dantel, husband of the petitioner, is a combant member of the Indian Air Force, and is currently posted at Kutch, Gujarat since 29 March 2022.



2. Invoking the provisions contained in Office Memorandum dated 30 September 2009 issued by the Department of Personnel and Training, which permits persons to seek posting at or near the station where their spouse is posted, the petitioner submitted a representation dated 3 February 2025, seeking posting close to the place where her husband was posted. Following the said representation, the respondents issued a transfer order transferring the petitioner to the Regional Training Centre¹, Alwar, which was reasonably proximate to the posting of her husband and was also the station where the petitioner's in laws were resident. We may note that the petitioner is a permanent resident of Village Rampura, PO Surmalikpura, District Jaipur, Rajasthan.

3. Thereafter, without prelude and without any notice to the petitioner, the respondent cancelled the transfer order posting her at Alwar *vide* Office Order dated 28 March 2025 and transferred her to the 12th Batallion at Kishanganj.

4. The petitioner addressed a representation challenging the said decision to the respondent. It elicited no response. It is in these circumstances that the petitioner has approached this Court by means of the present writ petition, challenging the cancellation of her posting at RTC, Alwar and seeking that she be granted a posting close to the posting of her husband.

¹ "RTC" hereinafter



5. The representation is pending decision.

6. The petitioner has, in her writ petition, relied on the judgment of the Supreme Court in *Vineeta Gupta v State of UP*² in which the Supreme Court advised the Executive Administrative Authorities to consider general hardship while taking decisions to transfer officers. We may note that in *SK. Naushad Rahaman v UOI*³, the Supreme Court has observed that ‘preservation of family life is an incident of Article 21’.

7. Be that as it may, as there is no decision on the petitioner’s representation challenging the cancellation of her posting to Alwar and her subsequent posting to Kishanganj, we deem it appropriate to dispose of this writ petition with a direction to treat it as a representation and take a decision on the petitioner’s request within a period of two weeks from today. The decision, as and when taken, shall be communicated to the petitioner. We make it clear that the decision should be reasoned and speaking.

8. The operation of the said decision, if adverse to the petitioner, would remain in abeyance for a period of one week after it is taken, so as to enable the petitioner, should she so choose, to avail remedies there.

9. Needless to say, the respondents would not insist on the

² (1997) 2 SCC 201

³ (2022) 12 SCC 1



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petitioner joining at Kishanganj till a decision is taken on the representation and a week expires thereto.

10. The writ petition is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

APRIL 30, 2025/yg

Click here to check corrigendum, if any